

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA

v.

EDUARDO CAZARES-MARRUFO

No. 3:12-00210
CHIEF JUDGE HAYNES

Overruled
This motion is
GRANTED in the
interests of justice to
allow defense
counsel to
be prepared
for
trial.

MOTION TO CONTINUE TRIAL

NOW COMES the defendant, Eduardo Cazares-Marrufo, who, through undersigned counsel, respectfully requests that this Honorable Court enter an order granting his motion for a continuance of the trial scheduled for January 22, 2013. The reasons for this motion are set forth as follows:

1. Title 18, United States Code, Section 3161(h)(8)(A) provides, in pertinent part, that any period of delay resulting from a continuance granted on the basis of a court's findings that the ends of justice served by the granting of a continuance outweigh the best interest of the public and the defendant in a speedy trial shall be excluded in computing the time within which the trial must commence.

2. The factors which a judge shall consider in determining whether to grant a continuance are found in subsection 3161(h)(8)(B). One such factor is whether denial of a continuance would deny counsel for the defendant "the reasonable time necessary for effective preparation, taking into account the exercise of due diligence." Section 3161(h)(8) (iv).

3. Defendant has brought a few matters to undersigned counsel's attention which must be investigated before this case can be resolved.

4. Undersigned counsel has discussed this motion with Assistant United States Attorney Hillard H. Hester, who has authorized her to state that he has no opposition to this motion.

Full JGH
DM
1-7-13